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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,972	09/27/2000	Daniel J. Sherlock	99PS018/KE	5979

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Kyle Eppele
Rockwell Collins Inc
Intellectual Property Department
400 Collins Road NE M/S 124-323
Cedar Rapids, IA 52498

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/670,972

Applicant(s)

SHERLOCK ET AL.

Examiner

KIEU-OANH T BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-14 and 20-26 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-14 drawn to an apparatus and its method for providing data on command utilizing a non-dedicated connection, classified in class 363, subclass 132.
 - II. Claims 15-19 drawn to a system for gathering data from a commercial airline displaying unit, classified in class 725, subclass 76.
 - III. Claims 20-26 drawn to a status monitoring system for a display in an in-flight entertainment system, classified in class 348, subclass 837.
2. The inventions are distinct, each from the other because of the following reasons:
3. Inventions I, II, and III are related as combination and subcombinations. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because invention I drawn to an apparatus and its method for providing data on command utilizing a non-dedicated connection. The subcombination has separate utility whereas invention II is about a (distinct) system for gathering data from a commercial airline displaying unit, and invention II is about (distinct) a status monitoring system for a display in an in-flight entertainment system. See MPEP § 806.05(d).

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4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II and Group III, restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

7. During a telephone conversation with Mr. Kyle Eppdle on June 03, 2004 a provisional election was made without traverse to prosecute the invention of **Group II, claims 15-19**.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-14, and 20-26 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As for claim 15, the structure of the steps within the claim is not clearly identified and well organized, and the use of “coupling” is not appropriate because “a signal” is not normally “coupling” to a display unit, i.e., the signal is transmitted or received instead, as well as “said superimposed data being coupled to said electronic unit” is technically incorrect, because a device is perfectly fine “coupled to” another device, but not “the data” since the data is using the medium such as a cable coupled between devices for transmission. Revision and appropriate correction for a better claim language is required.

Claim Rejections - 35 USC 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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11. Claims 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wakai et al. (U.S. Patent No. 5,973,722/ or "Wakai" hereinafter).

Regarding claim 15, in addition to the Rejection 112-2nd above (and to the best understanding from the Examiner), Wakai discloses "a system for gathering data from a commercial airline display unit" (Figs. 1 & 5, and col. 3/line 9-44), the system comprising "an electronic unit for requesting and receiving data, said electronic unit requesting said data by coupling a first signal to the commercial airline display unit a predetermined number of times within a predetermined time interval", i.e., a passenger control unit handles this on-demand task for requesting and receiving data (video and audio) requested by the user at an LCD display unit on an in-flight entertainment system at certain times preferred by the user (col. 6/line 54 to col. 7/line 12 & col. 8/line 54 to col. 9/line 20); "said airline display unit receiving said data request and superimposing said data in the form of a serial data stream upon a static status signal, said superimposed data being coupled to said electronic unit; and "a receiver within the electronic unit receiving and decoding the superimposed data", i.e., the LCD display provides an interactive system for the user at the passenger seat as the user requests or sends a command signal for an on-demand feature whether for a video, audio, or telephone calls, the display provides a superimposed data as a status display on the LCD screen for the user based on the detection of the control unit operated by the user, and the in-flight system comprises a receiver for receiving and decoding the digital stream (Fig. 5, and col. 8/line 54 to col. 10/line 18; col. 12/lines 16-44 for a keyboard and a touch screen interface; and col. 19/line 20 to col. 20/line 44 for MPEG on demand interactive system for digital stream format addressed).

As for claim 16, Wakai further discloses “comprises a commercial aircraft tapping unit”, i.e. a zone bridge unit works as a tap in providing services to distinct groups of passengers such as for two-seat electronics units and/or three-seat electronics units (Fig. 12/item 140, and col. 7/lines 45-61 & col. 17/lines 5-40).

As for claims 17 and 19, this limitation is met as Wakai discloses to use an ARINC interface unit (Fig. 5/items 540 & 548). Although Wakai is not using an ARINC 722 connector and pin 8 for “on indicator” and pin 6 for power control input; however, this limitation is admitted as in the prior art being developed by the ARINC company within the specifications (pages 2-4).

As for claim 18, Wakai discloses “wherein the first signal is the power control on signal” (Fig. 5/item 552 for a power control I/O keylines for interfacing between the user and the system).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Booth et al (US Patent 5,835,1270, Fang et al (US Patent 6,189,127 B1), and Lotocky et al. (US Patent 5,848,367) disclose an in-flight entertainment system related to gathering data from a display unit.

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13. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
June 17, 2004



**KRISTA BUI
PATENT EXAMINER**